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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SALTARELLI, DOMINIC D	
ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/747,566	MOYNIHAN, MICHAEL W.	
	Examiner	Art Unit	
	Dominic D Saltarelli	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *08/14/2001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al. (6,774,926) [Ellis].

Regarding claims 1 and 11, Ellis discloses a method and system for managing multimedia files (the multimedia files being managed are the personal television channel programming, col. 3 lines 19-29 and col. 4, lines 6-18) on a communications network (fig. 1, network 40), comprising the steps of:

uploading multimedia files (col. 4, lines 6-11) to a central server (fig. 1, server 50) configured to broadcast multimedia over said network (col. 4, lines 11-14 and col. 7, lines 27-48);

indexing said multimedia files according to descriptive information to categorize said multimedia files by subject (contributors submit category information, col. 12, lines 26-34, which is used to index the programming, col. 14, lines 40-51); and

organizing said multimedia files on a user's personal video channel (col. 11, lines 46-52), wherein said user can password-protect said multimedia files (col. 11, lines 53-57), and edit and administer said user's personal video channel (contributor modifies the scheduling information and content of their personal channel, col. 11, lines 46-64).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2, 3, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Reeder (6,014,636).

Regarding claims 2 and 12, Ellis discloses the method and system of claims 1 and 11, wherein contributors offer personal television programming on demand, which is then ordered by viewers (col. 10, lines 9-16), but fails to disclose setting prices to view said multimedia files by viewers, and collecting a fee when a viewer views said multimedia files on said personal video channel.

In an analogous art, Reeder discloses a method of enabling customers to order products and services offered for sale by vendors over a network (col. 2, lines 54-59), wherein the vendors provide the information necessary for a customer to order said product or service (col. 2 line 60 – col. 3 line 4, wherein a

vendor established price would be the most necessary information to provide during a sale), and the vendor collects payment for the product or service when a customer makes an order (col. 4, lines 15-51), enabling commercial transactions over the network.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Ellis to include setting prices for the provided multimedia files to be viewed by viewers, and collecting a fee when a viewer views said multimedia files on said personal video channel, as taught by Reeder, for the benefit of enabling commercial transactions over the network, providing a source of income for contributors and thus stimulating the contributors to offer wider, diverse selections to viewers.

Regarding claims 3 and 13, Ellis and Reeder disclose the method and system of claims 2 and 12, wherein said multimedia files are pay-per-view programs (Ellis teaches on demand content that is 'ordered' by viewers, col. 10, lines 9-16) and wherein the step of collecting debits an account of said viewer (Reeder, fig. 1, account 41, col. 4, lines 30-42) when said viewer views a pay-per-view program on said user's personal video channel and credits an account of said user (Reeder, "merchant's bank account", col. 4, lines 30-42).

Regarding claims 5 and 15, Ellis discloses the method and system of claims 1 and 11, but fails to disclose said personal video channel supports e-

commerce activities to enable said user to market and sell goods and services on said personal video channel.

In an analogous art, Reeder discloses a method of enabling customers to order products and services offered for sale by vendors over a network (col. 2, lines 54-59), wherein the vendors provide the information necessary for a customer to order said product or service (col. 2 line 60 – col. 3 line 4, wherein a vendor established price would be the most necessary information to provide during a sale), and the vendor collects payment for the product or service when a customer makes an order (col. 4, lines 15-51), enabling commercial transactions over the network.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Ellis to include support for e-commerce activities to enable said user to market and sell goods and services on said personal video channel, as taught by Reeder, for the benefit of enabling commercial transactions over the network, providing a source of income for contributors and thus stimulating the contributors to offer wider, diverse selections to viewers.

5. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis and Reeder as applied to claims 3 and 13 above, and further in view of Logan et al. (5,732,216) [Logan].

Regarding claims 4 and 14, Ellis and Reeder disclose the method and system of claims 3 and 13, but fail to disclose the step of transmitting comments of said viewer to the central server.

In an analogous art, Logan teaches transmitting comments of a viewer to a central server (user comments regarding material being played is uploaded to the host system which provides the material, shown in fig. 1, system 101, col. 12, lines 50-67), for the benefits of requests for help, requests for additional information, viewer critique of material, and public discussion (col. 12 line 67 – col. 30 line 23).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Ellis and Reeder to include of transmitting comments of said viewer to the central server, as taught by Logan, for the benefits of viewer requests for help during periods of technical difficulty, requests for additional information on multimedia files the viewer finds interesting, viewer critique of provided multimedia files, and public discussion of the quality and content of said multimedia files.

6. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Krebs (5,557,320).

Regarding claims 6 and 16, Ellis discloses the method and system of claims 1 and 11, and additionally discloses the personal video channel supports pay-per-view service (col.10, lines 9-16) and also supports invitation-only service

(contributor can control access to channels with passwords, so as to restrict access to only those to whom the contributor has shared the passwords, col. 12, lines 5-7 and col. 15, lines 30-35), but fails to disclose said personal video channel supports video mail so as to permit said user to publicize said personal video channel.

In an analogous art, Krebs teaches implementing a video mail (video mail is defined in col. 3, lines 57-64) system for sending video mail messages over a network (fig. 1, col. 6, lines 13-16 and col. 4, lines 15-21), wherein the video mail is delivered in a manner analogous to postal mail (col. 4, lines 38-42, 51-56), granting those with access to the network the option of sending video mail messages.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Ellis to include support for video mail, as taught by Krebs, for the benefit of expanding the services available to users. Addition of video mail capability to the network is thus fully capable of permitting users to publicize personal video channels, as the video mail support is an electronic equivalent in delivery to postal mail, and mass mailings which advertise goods and services are common and known.

7. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Maresca (6,181,693).

Regarding claims 7 and 17, Ellis discloses the method and system of claims 1 and 11, but fails to disclose said personal video channel supports video chat so as to permit viewers to hold discussions about said personal video channel and to share multimedia files.

In an analogous art, Maresca teaches implementing in a network, support for video chat (fig. 1, col. 4, lines 24-27, 53-56, and col. 2 line 65 – col. 3 line 8), permitting viewers of a program to hold discussions about the program (col. 2, lines 13-24) and share multimedia files (as a system which shares digital packet data output from a camera is fully capable of sharing digital multimedia files from any other source), enhancing programs through viewer interaction (col. 2, lines 13-24).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Ellis to include support for video chat, as taught by Maresca, for the benefit of enhancing the personal video channels through viewer interaction.

8. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Duvall et al. (6,166,731) [Duvall].

Regarding claims 8 and 18, Ellis discloses the method and system of claims 1 and 11, wherein said multimedia files represent videos (col. 3, lines 19-29), but fails to disclose said videos can be edited remotely.

In an analogous art, Duvall teaches remotely editing of audio/video data across a network (col. 2, lines 5-7), enabling a user to perform any desired editing on data that is available from a remote system.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Ellis to include remote video editing, as taught by Duvall, for the benefit of enabling a user to perform desired editing function directly on video data that is remote from the user.

9. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Yuen et al. (5,532,732) [Yuen].

Regarding claims 9 and 19, Ellis discloses the method and system of claims 1 and 11, but fails to disclose measuring the viewership of said multimedia.

In an analogous art, Yuen teaches measuring viewership data (col. 4, lines 45-67), for the benefit of gathering data which is of particular value to content providers.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Ellis to include measuring the viewership of said multimedia, as taught by Yuen, for the benefit of gathering and reporting viewership data to content providers, information which is very valuable as it informs content providers of the popularity and market share of their material.

10. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Duvall and Brais et al. (5,995,936) [Brais].

Regarding claims 10 and 20, Ellis discloses the method and system of claims 8 and 18, wherein the videos are searched (col. 11, lines 26-38) and indexed (contributors provide call letters, scheduling information, category information, and detailed descriptive information of uploaded material, col. 11 line 46 – col. 12 line 4 and col. 12, lines 26-34, which is used to index the material by channel, time, and content, which is then used by viewers to find desired material, col. 11, lines 14-38) by users. Ellis further discloses videos can be searched in accordance with verbal commands (col. 11, lines 39-45), but fails to disclose indexing such videos by a verbal word spoken by a user, such that each video can be and edited in accordance with a verbal command or instruction.

In an analogous art, Duvall teaches remotely editing of audio/video data across a network (col. 2, lines 5-7), enabling a user to perform any desired editing on data that is available from a remote system.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Ellis to include remote video editing, as taught by Duvall, for the benefit of enabling a user to perform desired editing function directly on video data that is remote from the user.

Ellis and Duvall fail to disclose said indexing and editing take place in accordance with verbal commands.

In an analogous art, Brais teaches issuing commands to a computer system using voice commands (col. 10, lines 21-23, 38-60), allowing users to control a computer system hands free (col. 5, lines 43-55).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Ellis and Duvall to enable control of the indexing and editing functions to be performed using verbal commands, as taught by Brais, for the benefit of enabling users to perform the indexing and editing in a convenient, hands free manner, such as over the telephone, or while multitasking.

Conclusion

11. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)_____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

_____

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (703) 305-8660. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Patent Examiner
Art Unit 2611

DS

HAI TRAN
PATENT EXAMINER